

WELLEN VOICES SHIP RULES

Regulations Revised to Suit
His Ideas and View of
Hughes.

ISSUANCE IS DELAYED

Promulgation Believed Not
Likely for Several
Days.

EMERALD IS SET FREE

Secretary of State Gives Or-
der and It Is Carried Out
Promptly.

Special Dispatch to THE NEW YORK HERALD.

New York, Oct. 27.—The Treasury regulations for carrying out the Daugherty ruling barring liquor from ships are ready for Secretary Mellon's final approval. They were submitted to him several days ago, but he sent them back to the prohibition unit for changes recommended by himself and Secretary of State Hughes.

The revisions were made and to-day Mr. Mellon directed his assistants to put the regulations into proper form for promulgation. This does not mean, it was explained, that instructions will be rushed to customs and prohibition agents; this may be delayed several days. In effect the new regulations will do these things:

Provide for the transportation of liquors to foreign embassies and legations in this country. They will leave no loophole for an enthusiastic or aggressive dry rider to interfere with liquor on its way to the home of a diplomatic representative.

Make the necessary exemptions in the Panama Canal Zone. Carrying out the provisions of the Volstead Act, they exempt the Panama Canal and the Panama Railroad; the present system will continue. The laws there will be administered from the executive office of the Panama Canal Zone and not the prohibition unit.

Include Porto Rico, the Philippines, Hawaii and other possessions of the United States in a class with the United States proper. There will be no exceptions in any of those places.

The regulations make it clear that ships flying the American flag cannot carry any sort of intoxicating liquors for beverage purposes other than on hand for use by the crew. They will be permitted to have liquors for medicinal purposes just as drug stores on land do, but not for sale.

Acting under specific instructions from Secretary of State Hughes, the Customs Division of the Treasury Department today ordered the immediate release of the Canadian schooner Emerald, seized by prohibition agents eight miles off the American coast for alleged violation of the Volstead act.

The decision establishes one of the most important precedents since the Volstead act and the Eighteenth Amendment became effective. It clarifies the extent of American jurisdiction over the dry laws and sets forth the determination of the Government to prevent seizure of foreign ships outside the three-mile limit unless there is established a clear case of violation of the law with the shore by their own boats and crews.

Treasury officials lost no time in acting on the instructions. Mr. John C. Hughes, Assistant Secretary of the Treasury, Clifford sent out immediate instructions to customs officials to release the Emerald. The schooner was released today, after a detention of several days.

EIGHT SEIZED IN THEFT OF \$100,000 LIQUORS

Part of Brooklyn Loot Recovered in Manhattan.

Five barrels of whisky, part of a ninety-two barrel lot valued at \$100,000, stolen from the Pershing Warehouse at 64 Meserole street, Brooklyn, on October 13, were recovered last night when detectives arrested eight men in a warehouse at 31 Moore street, Manhattan. The prisoners are Samuel Epstein, 28, 47 Forsyth street; John Baker, 38, 134 West Seventy-fifth street; Edward Money, 28, 348 Spring street; Thomas Ruckelshaus, 34, 15 Perry street; Cooper, 30, 148 West Seventy-second street; Hyman Glasser, 38, 131 Montgomery street; Herman Thompson, 38, 168 Marcy avenue; Brooklyn, and William Knapp, 30, 148 West Seventy-second street.

BRICKS FROM CHIMNEY HURLED AT POLICEMEN

Two Youths Captured After Most of Dozen Escape.

A dozen young men said to have been drinking a bad quality of liquor started throwing bricks early yesterday at policemen from a chimney on the roof of the five-story building at 501 West Fifty-second street, near the Hill's Kitchen. Patrolman McCarthy, after a while missed his face by a few inches, fired his revolver and brought a half dozen other policemen.

Several more shots were fired, and the policemen ran up to the eighth floor. The youths, who were seen to escape except two, who said they were Joseph Tammany, 18, of 345 West Forty-ninth street, and William O'Connor, 23, of 228 West 116th street.

DOCTORS TO EXAMINE ARTIST AWAITING JAIL

MacArthur Found Guilty of Disorderly Conduct.

Alexander MacArthur, artist, of 177 East Seventy-eighth street, who was found guilty of disorderly conduct on the complaint of Paul Dinechelli, a baker, will be examined by physicians, who will attempt to determine why, if for any reason, he is subject to aberrations.

MacArthur was to have been examined yesterday, but Magistrate Hating in Brooklyn court yesterday granted the request of Emil Fuchs, attorney for MacArthur, that he be examined before November 3. He will come up for sentence again on that date.

Summoned to Own Court for Violating Traffic Law

Special Dispatch to THE NEW YORK HERALD.

HARTFORD, Oct. 27.—While Judge Solomon Elmer was presiding in police court this morning his automobile, parked outside the station, was tagged by Patrolman Peter J. Dorsey for being in a restricted district for more than forty minutes. The tag notified the owner to appear in police court to-morrow morning.

REJECTS PROPERTY PLEA

Says Prohibition Theory Ignores Such a Thing as Loss of Passenger Trade.

Continued from First Page.

American steamships cannot legally sell or transport intoxicating liquors in any part of the world, Judge Learned Hand ruled yesterday in United States District Court in dismissing applications of two American lines for injunctions restraining Federal officers from enforcing the Daugherty ruling.

Judge Hand's decision is supplemental to the one he rendered Monday, dismissing applications of ten foreign lines for injunctions similar to those sought by the American lines. He made his decision at the request of Cletus Keating, attorney for the International Mercantile Marine Company, and William Haywood, United States Attorney.

"It would be a curious thing," said Judge Hand in his decision, "if a country, professing under its fundamental law to be the free of intoxicants, were to allow them to be sold on ships that sailed under its flag. The only distinction pressed is the disastrous consequences to an American merchant line if it were to sell liquor on its ships alone are within this ban."

"In the first place, the discrimination applies only to passenger vessels, which carry the bulk of the passenger trade. The whole argument is, however, misconceived. The Eighteenth Amendment involves the destruction of a blow of property values far greater than that of the whole passenger trade. The motives which directed it disregarded ordinary commercial interests. It was a reform based upon the belief that the sale of alcohol was one of the great evils of modern life, against which utter expiration no pressed rights of property might stand."

Mr. Keating said that if Judge Hand's decision is upheld by the United States Supreme Court it will mean the ruin of American passenger shipping. The International Mercantile Marine Company will appeal to the Supreme Court. Mr. Keating added:

"It seems inconceivable that the same Congress that set forth the policy of the United States regarding development of a merchant marine should by the Volstead law have intended to prevent such development and still further remove it from an equal competitive basis with foreign lines."

George Adams Ellis, one of the counsel for the United American Line, said: "The American shipping interests are not in the least interested in the sale of liquor. They are only in being able to compete on equal basis with the foreign steamship companies."

W. E. JOHNSON ACCUSES LONDON PAPER OF LIBEL

Brings Action for Report That He Took a Drink.

Special Cable to THE NEW YORK HERALD.

LONDON, Oct. 27.—(By Cable.)

William E. Johnson, American prohibition advocate, is bringing an action for libel against a London weekly, "The Challenge," for the publication of an article which he asserts reflects upon his integrity as a prohibitionist.

The article, which appeared in "The Challenge" on October 20, accused Johnson of having taken a drink of alcohol. Johnson, who is a member of the United States House of Representatives, is a well-known prohibitionist.

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THE NEW YORK HERALD OCT. 28, 1922

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\$1,231 Average Deposit in 2 Billion Savings Here

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BELLEPUITS UP FOR PINE ON SEVE

Bungles Trying to Follow Instructions to Keep Off the Pace.

EMOTION PROBABLY BEST
Ted Rice Rushes Her Along Too Fast—How Fair Beats Shamrock.

By HENRY V. KING.

The host of racers at Empire City track yesterday believed they saw little Shamrock Bell put up a criminal ride on Nose Drive in the Eclipse Handicap, the feature event of the program. The little lad did ride an exceptionally bad race, but Bud May, trainer of the horse, was more to blame than he. Just before the race May brought Nose Dive from the Fernbrook Stable. He had watched the horse in all of his races and had seen him run his best while in front. But for some reason or other he instructed Bell to take off the pace and come from behind.

Bell attempted to do this and bungled badly. His mount broke well, but Bell began taking back to allow Blane Seing to take the pace. This would have been all right if the owner, but the youngster took back too long and allowed the entire field to swing past him. Just before entering the homestretch Bell began to pick up and Shamrock Bell made up a lot of ground and finished third behind Blane Seing and Emotion. If allowed to run his best all the way Nose Dive might have been returned to the front.

Robert L. Gerry's Emotion was probably a better horse than the winner, too. This filly is a stubborn miss with a right of mind. She was a good horse, but the leg up on her, hustled her along all the way and killed her chance of success. If he had been more patient and waited until the final furlong to make up his mind to let Emotion have run over her opponents and won easily.

Blane Seing's victory was a big surprise. The two-year-old son of North Star ran on Thursday and was badly beaten. Because of that bad race racers didn't believe he had a chance of earning a big purse. He was a good horse, but the leg up on her, hustled her along all the way and killed her chance of success. If he had been more patient and waited until the final furlong to make up his mind to let Emotion have run over her opponents and won easily.

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The New York Herald Racing Chart

EMPIRE CITY RACETRACK, Oct. 27.—Clear; track fast.

1090 FIRST RACE—Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1091 SECOND RACE—The Beacon Light Claiming Purse. (First Division.) Three-year-olds and upward. Mile and seventy yards. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1092 THIRD RACE—Sunbeam Selling Purse. Three-year-olds. About six furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1093 FOURTH RACE—The Eclipse Handicap. For all ages. One mile. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:40. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1094 FIFTH RACE—The Beacon Light Claiming Purse. (Second Division.) Three-year-olds and upward. Mile and seventy yards. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1095 SIXTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1096 SEVENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1097 EIGHTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1098 NINTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1099 TENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1100 ELEVENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1101 TWELFTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1102 THIRTEENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1103 FOURTEENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1104 FIFTEENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1105 SIXTEENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1106 SEVENTEENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1107 EIGHTEENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

1108 NINETEENTH RACE—The Marigold Purse. Two-year-olds. Five and a half furlongs. Purse, \$1,180.75. Winner, 5, 2, by Duke McLaughlin. Time, 1:07.2. Start good. Won easily. Place driving, Post, 2:30. Off, 2:32.

BOYERS' BOOKING BUREAU IS OPENED

Buckley and Tom O'Rourke
Organize With Sanctioned
Commission.

By CHARLES F. MATHISON.

A booking agency for boxers, which was suggested recently by William Muldoon, is to-day a reality, with James Buckley and Thomas O'Rourke as its organizers. Not only have they formed a partnership for the conduct of a booking bureau, but they have obtained for their enterprise the sanction of the National Boxing Association.

The organizers of the bureau will apply to the National Boxing Association of America, the French Federation of Boxing, the International Boxing Union and the British Board of Boxing Control for sanction. Buckley and O'Rourke made this announcement.

"The object of this booking agency is to help boxers or wrestlers who have no managers in securing matches at the numerous clubs in New York State and throughout the world at a percentage which will be sure to meet the approval of all."

After reading the announcement, Chairman Muldoon said: "It should be understood that Buckley and O'Rourke will result in many good matches, because many boxers for whom they make engagements.